

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

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No. 6:21-cv-00334

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**Alex Adams,**  
*Plaintiff,*

v.

**Sgt. Beusch et al.,**  
*Defendants.*

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**ORDER**


Plaintiff Alex Adams, an inmate of the Texas Department of Criminal Justice – Correctional Institutions Division proceeding pro se, filed this civil action complaining of alleged deprivations of his constitutional rights. The magistrate judge ordered plaintiff to pay an initial partial filing fee of \$212.00. By separate order, the magistrate judge directed plaintiff to file an amended complaint setting out a short and plain statement of his claims. When plaintiff did not comply with these orders, the magistrate judge issued a report recommending dismissal of the lawsuit for failure to prosecute or to obey an order of the court.

Plaintiff filed objections saying he did not want the court to ask him to amend his complaint and that he has submitted a request for payment of the filing fee, pointing to an I-60 request form he sent to the inmate trust department. The response to this form advised plaintiff that court fees could only be withdrawn with a court order or an initial partial fee payment authorization. Otherwise, the department would process the I-25 [i.e. an inmate request for withdrawal form] as soon as possible when it is received. Plaintiff does not provide a valid basis for failing to amend his complaint as ordered, nor has he shown he followed proper procedures in requesting the withdrawal from his account.

The court reviews the objected-to portions of a report and recommendation de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996).

Having reviewed the magistrate judge's report and the objections de novo, the court overrules the plaintiff's objections and accepts the report's findings and recommendations. The court orders that the above styled civil action is dismissed without prejudice for failure to prosecute or to obey an order of the court.

*So ordered by the court on January 13, 2022.*

  
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J. CAMPBELL BARKER  
United States District Judge